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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/709,303	11/13/2000	Suk Won Park	0630-1175P	3414

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EXAMINER	
NALEVANKO, CHRISTOPHER R	
ART UNIT	**PAPER NUMBER**
2611	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	09/709,303	PARK ET AL.	
	Examiner	Art Unit	
	Christopher R. Nalevanko	2611	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 May 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1-33*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

CHRIS GRANT
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Regarding Applicant's note that Claim 20 is rejected under 35 USC 102 and 35 USC 103, the Examiner notes that this was an oversight, but since the specific limitations of the claim are addressed under the 35 USC 103 section, the finality of the office action is not affected.

Regarding Claims 1, 7, and 12, Applicant argues that "[i]t is important to note that as recited, it is required that the current audiovisual signal is checked to determine if the data contents to be displayed is consistent with the current audiovisual signal. Contrary to the Examiner's allegation, Mao cannot be relied upon to teach or suggest at least this feature. In paragraph 0058 of Mao, it is merely disclosed that when a simulcast web page request is received, a table lookup is performed to locate the desired web page. There is no checking performed inherently or otherwise. In paragraph 0063, again it is merely disclosed that to find a desired web page, a table lookup is performed to determine which data package should be received. Again, this is merely an action that takes place to retrieve data once the desired web page is known. There is no checking to determine consistencies between the desired web page and the currently viewed program, inherently or otherwise. In paragraph 0081, it is merely disclosed that the simulcast web pages are automatically synchronized to the content of the broadcast video program. Once again, this is merely an action that takes place within the system of Mao but does not indicate that a checking to determine consistency between the currently viewed program and a data content to be displayed are consistent, inherently or otherwise" (pages 19 to 20 lines 16-21 and 1-14). First, the limitation of "checking whether or not the data contents to be displayed are consistent with the current A/V signal" is a broad limitation that can be met by a variety of processes performed by a set top box. As stated by the Applicant, Mao performs a variety of look up procedures to locate and verify the web page to synchronize with the television content (page 4 section 0058, locating desired webpage, page 5 section 0063, processor controlling the searching of the webpages, page 6 section 0081, synchronized to the content of the broadcast video program). Since this lookup procedure checks the tables, and integrated information, it is checking to see what web pages are associated with a given content. The process of "checking" is not patentably distinct from a "look up" procedure. Synchronization is also performed, which clearly indicates the use of associating two pieces of content toghether. Furthermore, if associated content is found, it is therefore "consistent" with the current A/V content. When the channel is changed, the system "looks up" and "checks" to see which web page is associated with the newly tuned channel. Hence, the procedure of Mao clearly shows checking to see if the data contents are consistent with the A/V signal.

Regarding Applicant's interpretation of the Claim 18 rejection, the Applicant's assertion is correct that the Examiner was discussing claim 18, and not claim 8. The Examiner apologizes for any inconvenience this may have caused.

Regarding Claims 20 and 27, Applicant argues that "[c]learly, there is no checking performed whatsoever regarding whether the Internet site corresponds to the current channel since the channel is changed[sic] no matter what. Thus, Kaplan cannot be relied upon to teach or suggest this feature" (page 24 lines 18-21). Examiner asserts that the process of looking up the associated television program and changing the channel, as shown by Kaplan, is "checking" to see what television program corresponds the associated data change (col. 6 lines 20-67, when Internet site is changed information is sent to processor to reference and synchronize current television program). It makes no difference if the channel is automatically changed, because the claimed limitation also automatically changes the channel if the information is not consistent. Hence, as shown in Kaplan, when the Internet information is changed it is not consistent. This in turn changes the channel to the corresponding, "looked up," associated channel. The limitation is clearly shown by Kaplan.